**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.920 OF 2004**

**IN**

**APPEAL FROM ORDER NO.1065 OF 1999**

Shri Udhav Maruti Dhadge. ... Appellant.

**V/s.**

Kanhaiyalal Motilal Talera & Ors. ... Respondent

And

Smt.Sadhana Udhavrao Dhadge & Ors. ... Applicants.

Shri Birendra Saraf i/b Udwadia & Udeshi, advocate for Applicants.
Shri Madhav Jamdar, advocate for Respondent

**Coram: Smt.Nishita Mhatre, J.**
**Dated: 18th October, 2004.**

**P.C.:**

1. Despite of the order 26th July, 2004 allowing the Civil Application No.920 of 2004 directing the Applicants to carry out necessary amendments in the cause title of the appeal memo, after the death of the appellant, no steps have been taken by the applicants for over three months. The applicants were directed to amend the cause title within two weeks from the date of the order. The applicants have not cared to carry out the amendment. Mr.Saraf, the learned advocate appearing for the appellant/applicants now seeks an adjournment in order to carry out the amendments in accordance with the directions of this court of 26th July, 2004.

2. The conduct of the appellants is most reprehensible. The A.O. is of the year 1999 and is yet pending admission. The Appellant expired sometime in 2001. Application was made to bring the legal heirs of the appellant on record only in 2004. This Court thought it fit to show indulgence to the applicants in order to bring the heirs on record. The indulgence shown by this Court has obviously not been appreciated by the heirs of the appellant who continue to be lax in prosecuting the present A.O..

3. However, in the interest of justice, the order dated 26th July, 2004 directing the applicants to carry out necessary amendments is extended for a period of one week from today subject to payment of cost of Rs.5,000/-.

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